

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MEDIA MATTERS FOR AMERICA, *et al.*,

Plaintiffs,

v.

WARREN KENNETH PAXTON JR., in his
official capacity as Attorney General of the
State of Texas,

Defendant.

CIV. NO. __ - ____

**DECLARATION OF CYNTHIA PADERA IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Cynthia Padera, declare as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this declaration.
2. I am the Chief Operating Officer of Media Matters for America ("Media Matters").
3. I first joined Media Matters in April 2013 and, after leaving for a period in June 2015, returned in February 2017. I have served as Chief Operating Officer since August 2019.
4. Media Matters is a web-based, not-for-profit, 501(c)(3) research and information center dedicated to comprehensively monitoring, analyzing, and correcting conservative misinformation in U.S. media.
5. In my role, I support Media Matters's day-to-day operations and manage enterprise-level initiatives, technology, and administration. I engage on an as-needed basis with all of Media Matters's activities, and I interact with Media Matters's officers and employees at all levels.

6. Media Matters is incorporated under the laws of the District of Columbia.
7. Media Matters has its principal place of business, and sole physical office space, in the District of Columbia.
8. Media Matters is registered to conduct business in the District of Columbia.
9. Media Matters does not have an office, or any other physical presence, in Texas.
10. Media Matters is not registered to conduct business in Texas.
11. Media Matters is not registered as a charity organization in Texas.
12. Media Matters does not have a registered agent in Texas.
13. The Media Matters website publishes articles written by Media Matters employees in furtherance of the organization's mission to expose misinformation in the media, and in keeping with our internal guidelines for news coverage, which reflect ordinary journalistic standards.
14. Media Matters has approximately 106 full-time employees, including at least 64 reporters, writers, and researchers.
15. Media Matters employees may request authorization to work remotely and, upon approval, may choose to do from any location in the United States.¹ Mr. Hananoki is considered an employee with remote work authorization who may sometimes commute into the District of Columbia when he chooses to do so, but to my knowledge he performs most of his work at home in Maryland. To my knowledge, he has never had to travel outside of the Washington, DC metropolitan area for his work for Media Matters. He is employed within the Editorial Department at Media Matters.

¹ Of Media Matters employees authorized to work remotely, only one employee has provided a residential address in Texas. That employee has not been in Texas since the start of October 2023, did not work with Mr. Hananoki on the November 16 article nor any other of his articles related to X or otherwise, and works in an entirely different department.

16. On November 20, 2023, X filed suit against Media Matters and Mr. Hananoki, complaining about Mr. Hananoki's November 16 article and a subsequent article written by him and published on November 17, 2023.

17. On November 21, 2023, Attorney General Paxton issued a civil investigative demand that commanded Media Matters to produce documents and communications about our general operations, as well as the November 16 article. For example, the demand requires Media Matters to turn over, among other things "all documents related to internal and external communications" relating to the November 16 article. Attorney General Paxton served the Demand on our outside counsel on December 1, 2023.

18. Media Matters leadership views the Attorney General's investigation as a response to Mr. Musk's complaints about Media Matters, intended to punish Media Matters for its news coverage and to curry favor with Mr. Musk and his significant online following. His investigation has harmed morale at Media Matters. Numerous reporters, writers, researchers, and other employees have indicated to leadership staff that they are now fearful of being targeted in legal proceedings. The investigation has contributed to the creation of a culture of fear within Media Matters, chilling employees' willingness and comfort with speaking on any topic related to the subjects of the investigation.

19. Media Matters employees have indicated to leadership staff that they feel constrained in their ability to continue their work in the same manner as prior to the investigation.

20. Media Matters's relationships and ability to coordinate with other groups have also been harmed by Attorney General Paxton. Some organizations that previously worked closely with Media Matters are re-evaluating their ability to continue to do so, or to work on new projects in the future, out of fear that documents and communications may come into the possession of

Attorney General Paxton or attorneys general in other states.

21. Attorney General Paxton's public threats against Media Matters have also resulted in a significant influx of threats against Media Matters staff and against Mr. Hananoki. We have received over one hundred threatening messages via phone or email since November 18, 2023. These threats have ranged from threats of legal retaliation to violent death threats.

22. The increased harassment has become so severe that Media Matters has been forced to hire an outside security firm to protect its employees in response.

23. Media Matters's senior leaders and I have had to devote the vast majority of our time to focusing on the legal threats, investigations, and lawsuits that began with Mr. Musk's threat on November 18, 2023, rather than our ordinary job responsibilities. This includes conferring with counsel, speaking with concerned employees, and strengthening oversight of all operations given increased risk of further retaliation by those who do not like our reporting. This distraction has further harmed our ability to produce reporting and journalism on political extremism in the United States media.

24. Media Matters leadership, officers, and staff are seriously concerned and fearful about having to protect their constitutional rights in places where they do not live or work, as well as against a partisan state attorney general.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/11/2023

Cynthia Padera
Cynthia Padera